

### **REMARKS**

This responds to the Office Action mailed on January 24, 2006.

Claims 9, 14, 16-17 and 20-21 have been amended, claims 1-8 and 19 have been canceled; as a result, claims 9-18 and 20-21 are now pending in this application.

The claim amendments are made to remove redundant language and to distinguish the Newson et al. disclosure. They are supported throughout the specification, as discussed below.

#### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and a 1449 Form on June 3, 2003. The Examiner only returned the first page of the PTO 1449. Applicant respectfully requests that **all** initialed copies of 1449 forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

#### **§102 Rejection of the Claims**

Claims 9-18 and 20-21 were rejected under 35 U.S.C. § 102(b) for anticipation by Newson et al. (U.S. Patent No. 4,096,244). Insofar as this rejection may be maintained with respect to any of the amended claims, it is respectfully traversed.

The Newson et al. patent discloses and claims orally administering to piglets a "feed material" comprising nutrients and immunoglobulins obtained from desalinated spray-dried animal blood serum. The present claims are directed to administering a stable immunoglobulin concentrate obtained from animal blood plasma to pigs by introducing it into their water source, i.e., the pigs ingest the concentrate when they drink from their water line. On the other hand, Newson et al. consistently teaches that the dried, desalinated serum is mixed with the "feed" or "feed stuff" provided to the pigs, including milk replacers. (see Col. 5, lines 24-56; and claims 3, 4 and 8). The Examiner is requested to note that the art recognizes that a feed composition is different than a water source in animal husbandry, even if the feed is liquid. As discussed at pages 9-10 of the specification:

Previous attempts at decreasing morbidity and mortality in young pigs have focused on the delivery of supplements, including immunoglobulin fortified supplements, via dry feed or milk prior to the weaning period. While moderately successful in reducing morbidity and mortality, these methods have many problems, including the expense and difficulties involved with the administration and use of milk replacers. Further, light-end pigs do not benefit from the use of supplements administered through feed since they will consume primarily water during periods of stress (emphasis added).

See also, page 16.

The discovery that effective amounts of immunoglobulin concentrates can be administered to pigs through their water supply is the basis of the presently claimed method, and provides an alternative to the feed-based delivery method disclosed and claimed by Newson et al. (which is further discussed at page 7 of the application). Whether or not the active ingredients of the concentrates are present in the same amounts, it is clear that the presently claimed method is neither suggested nor disclosed by Newson et al. Therefore, withdrawal of this rejection is appropriate and is respectfully requested.

Serial No.: 10/613,633

Filed: July 3, 2003

Title: WATER-SOLUBLE GLOBULIN CONCENTRATE FOR IMPROVING GROWTH IN ANIMALS

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**CONCLUSION**

Applicant respectfully submits that the claims have been placed in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9580 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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By their Representatives,

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Date 4-18-06

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of April, 2006.

JOHN D. GUSTAV-WRATHALL

Name

  
Signature